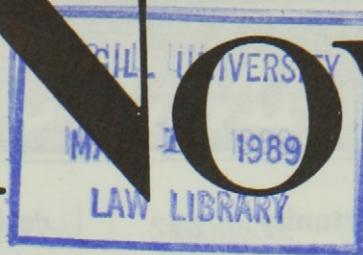


# Quid Novi



VOL. IX NO.20

McGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT DE L'UNIVERSITE McGILLMarch 14, 1989  
le 14 mars, 1989

## Prominent South African Human Rights Lawyer to Speak at Faculty of Law

• • • • • *Narrowly survived assassination attempt in April* • • • • •

The explosion shook a city block. Exiled South African lawyer and constitutional scholar Albie Sachs was climbing into his car last April on a sidestreet of Maputo, the capital of Mozambique. The bomb in Sach's car blew off most of his clothes, one of his arms and removed one of his eyes.

Sachs was the latest victim of a worldwide assassination campaign aimed at opponents of the South African Apartheid regime. Unlike many others, Sachs lived to tell the tale, and

will do so at the McGill Faculty of Law Wednesday March 15 at 1:00 p.m. (room to be announced).

Sachs is at present a visiting scholar at Columbia University in New York. He is being brought to Montréal by InterAmicus and Lawyers for Social Responsibility (LSR).

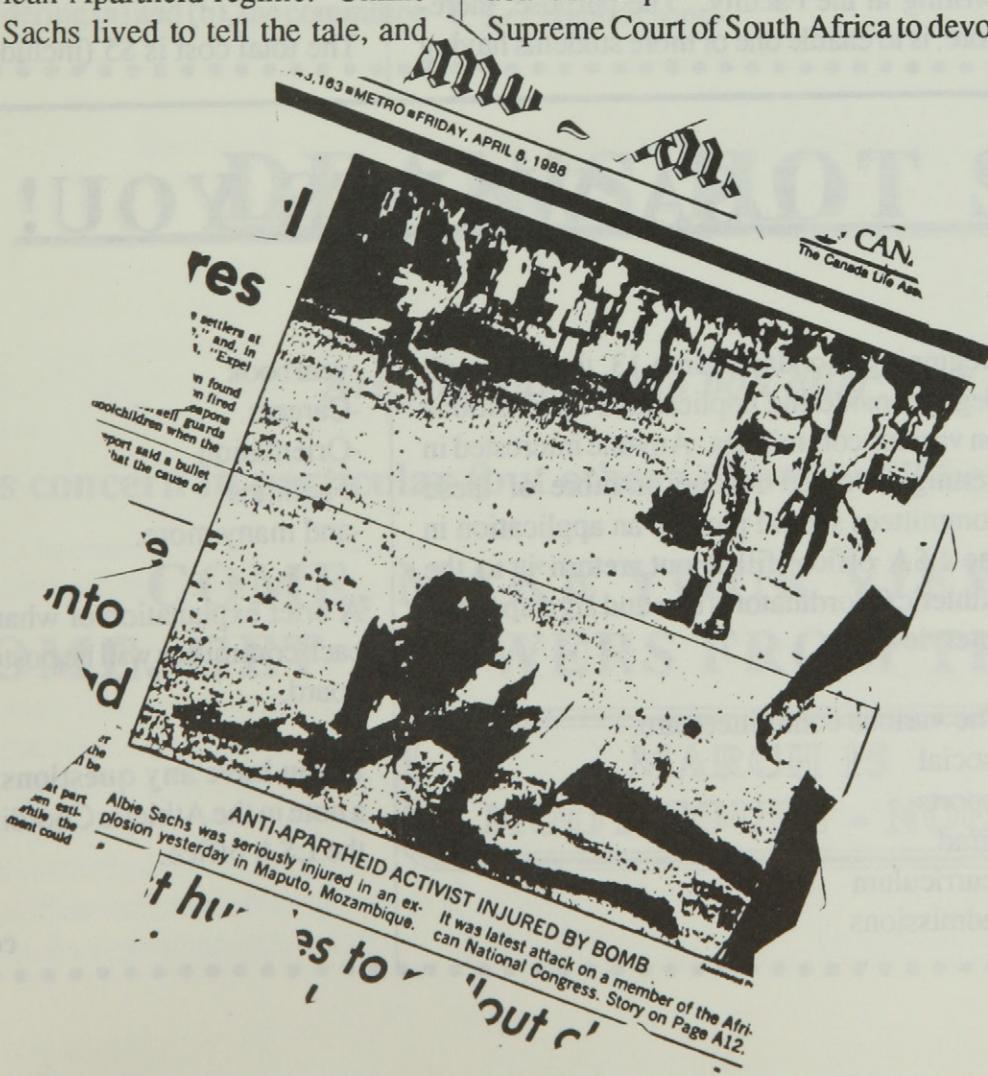
Albie Sachs is a rare phenomenon: a prominent white South African professional who abandoned practice as an Advocate at the Supreme Court of South Africa to devote his

life to the overthrow of white minority rule in South Africa.

He rose to prominence during the early 1960's in the now-banned African National Congress (ANC), led by imprisoned lawyer Nelson Mandela. His participation in the non-violent resistance campaign of the 1960's led to Sachs being imprisoned without trial for a number of 90 and 180 day periods.

Along with many others of his ANC comrades, Sachs decided to leave South Africa in the mid-1960's to work on the overthrow of the South African government from abroad. He went to the University of Southampton in England, where he embarked on his study of constitutional development of post-apartheid South Africa.

cont'd on p. 4



### Quote of the Week

if you don't operate within six hours, you lose the testicle. I have both.

D. Jutras  
3:50 p.m.  
March 6, 1989  
Obs. II  
Submitted by a concerned B.C.L.  
I student.



3 100 002 223 Y

# ANNOUNCEMENTS

## **Transfer Opportunity**

François Hébert, Université d'Ottawa, (613) 231-7709, (514) 739-8309. Intéressé à transférer à Montréal pour le Barreau.

## **Law Journal**

**Law Students of All Years:**  
Your copy of issue 34:1 of the **McGill Law Journal** awaits you at Sadies.

A tous les étudiant(e)s de droit:  
Votre exemplaire du numéro 34:1 de la **Revue de droit de McGill** vous attend chez Sadies.

## **The Yearbook Needs You!!**

We are looking for articles, essays or poems for publication in the yearbook. There is no restriction as to the topics that may be addressed except that they relate in some way to your law school experience. We strongly urge you to make the effort to put your thoughts down on paper for the sake of posterity. Submissions should be made to Bram Freedman or dropped off in the Yearbook box in the LSA office.

Deadline for all submissions: Friday, March 17.

**Wednesday, March 15**  
**DEAN'S HOT SEAT**  
**Moot Court - Noon**

## **Quebec Bar / Barreau du Québec**

Representatives of the Quebec Bar will meet with students who are interested to proceed to the Bar Training Program and will answer their questions on **Thursday March 23rd at 1:00 p.m. in Room 101**.

Des représentants de la Formation professionnelle du Barreau du Québec rencontreront les étudiants qui envisagent de faire leur Barreau et répondront à leurs questions sur le programme

de Formation professionnelle, le **jeudi 23 mars à 13 h, dans la salle 101**.

## **Thank you, Borden and Elliot!**

Your sponsorship of one of our weekly Happy House Coffee Hours made it the most successful since its inception last year. Those who attended the event will forever associate the name of Borden and Elliot with copious quantities of beer, good times and hangovers. Same time next year!

Gratefully,  
Norbert Haensel, LSA President  
Dimitri Mastrolola, LSA Social Coordinator.

## **J.S.D. Tory Writing Awards**

The firm Tory, Tory, Deslauriers & Binnington established this year a research and writing award of \$2,000.00, to be awarded to one, two or four persons. These awards are intended to support and encourage student writing in the Faculty. The purpose, therefore, is to enable one or more students having

submitted outstanding term essays to take time off from their summer job to revise such essays for publication. Applications from students having written outstanding essays in the fall term of 1988 can be submitted immediately to Professor Stevens or to Associate Dean Jutras.

## **Attention International Law Affiliados**

*Opportunities in International Law*, a book published by U. of T. law students, includes extensive, up to date information on summer internships, permanent job opportunities and graduate programs in international law. The Admissions Office has a copy. You can also order on directly from:

**The International Law Society**  
Faculty of Law  
University of Toronto  
78 Queens Park Cres  
Toronto, Ontario  
M5S 2C5.

The total cost is \$5 (includes postage).

## **LSA WANTS YOU!**

Beginning Monday March 13, the LSA will begin considering applications for positions on various committees. Anyone interested in getting involved in one or more of these committees should pick up an application in the LSA office, fill it out, return it to the Athletic Coordinator's box and sign up for an interview.

The various committees are:

- social
- sports
- grad
- curriculum
- admissions

- yearbook
- Careers
- Orientation
- Facilities
- and many more.

A brief explanation of what is the role of each committee will be posted on the LSA board.

**If you have any questions**, please leave a note in the Athletic Coordinator's box in the LSA office.

# Harvey Bell Memorial Prize

This prize established by Mrs. Harvey Bell, widow of Harvey Bell, Q.C., provides for an award of \$1,000 to be paid each year, to a student of native Canadian ancestry receiving his or her LL.B. degree in Canada.

The prize is in memory of the late Harvey Bell who practiced law in the City of North Battleford, Saskatchewan, for many years. During his lifetime, Mr. Bell took a keen interest in native people, their communities and ways to assist them.

The criteria are as follows:

- (a) The probable contribution which the individual student might be expected to make, as a lawyer, in establishing the rights of native people in Canada and towards the solution of problems faced by native persons and their communities within the Canadian legal system.
- (b) The student's academic record in his or her law studies.
- (c) if, in considering (a) and (b), the committee

is unable to reach a decision in judging between two or more eligible students then the committee may give preference to a student who is a Saskatchewan resident.

Students interested in applying for the prize should apply in writing to:

The Director, University of Saskatchewan Native Law Centre,  
111141 Diefenbaker Centre,

Saskatoon,  
Saskatchewan,  
S7N 0W0.

Please enclose a resumé of your career and education. Letters of application should give information concerning academic records and also comment on those matters listed in (a).

Deadline for letters of application is June 1, 1989.

## L.S.A. Wants You! cont'd from p. 2

Nous avons besoin de plusieurs personnes pour siéger au sein de plusieurs comités pour l'an prochain. À partir du lundi 13 mars, les formulaires d'application seront disponibles à l'A.E.D. Vous n'avez qu'à remplir un formulaire, le remettre dans la boîte du coordonnateur des sports et inscrire votre nom pour une entrevue sur l'horaire prévu à cette fin.

Les comités sont:

- activités sociales
- sports
- graduation
- carrières
- comité des locaux
- curriculum
- admission
- orientation.

Un bref résumé du mandat de chaque comité sera affiché sur le babillard de l'AED.

**Pour tout renseignement**, veuillez laisser un mot dans la boîte du coordonnateur des sports.

## DEAN'S HOT SEAT!

*"Are you nuts not to bolt after your third year?"*

This concern in particular (but others as well) will be a welcome topic of discussion.

**COME, MAKE YOUR VIEWS KNOWN!  
COME, GET ANSWERS FROM THE BEST SOURCE!**

MARCH 15  
MOOT COURT - NOON

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montreal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

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Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discréction du comité de rédaction et doit indiquer l'auteur où son origine.

## Calendar of Events

**March 14** 17h00 Moot Court  
**Second Annual René Cassin Lectureship in Human Rights**  
**Honourable Walter S. Tarnopolsky**  
**"Tribunaux, charte et droit international"**

**March 15** 12h00 Moot Court  
**Dean's Hot Seat**

**March 15** 13h00 (Room to be announced)  
**Albie Sachs, South African Human Rights Lawyer**  
**Presented by InterAmicus and LSR**

**March 15** 18h30 Room 132, Leacock  
**Beatty Memorial Public Lecture**  
**Sally Falk Moore (Harvard)**  
**"Nationalism, Cultural Pluralism and the State"**

**March 16** 16h00 - 19h00 Common Room  
**Pre-Skit Nite Happy Hour Coffee House**

**March 16** 19h30 Union Ballroom  
**Skit Nite**

**March 17** 12h00 LSA Office  
**End of nomination period (LSA Awards).**

**March 17** 12h00 Room 202  
**Legal Theory Workshop: Sally Falk Moore (Harvard)**  
**"The Construction of Customary Law"**

**March 17** Deadline for all submissions for Yearbook

**March 23** 13h00 Room 101  
**Formation professionnelle du Barreau du Québec**

**March 23** 16h00 - 19h00 Common Room  
**Happy House Coffee Hour**

### South African Lawyer cont'd from p. 1

Sachs moved to Mozambique in 1977, one of South Africa's neighbouring black states where he taught in the Faculty of Law and worked for the Mozambique Ministry of Justice. In the latter capacity he drafted a number of new laws for the recently liberated country, and in the former established an

international reputation as a leading constitutional scholar in the volatile Southern African context.

It is believed that his work for the ANC caused a nervous South African government to attempt to assassinate him, but Sachs is unsilenced. The meeting at McGill is a rare opportunity for the McGill community to hear, question and honour a courageous legal campaigner for human rights.

# Bull - etins

by Dan Urbas, B.C.L. II

Recent funding cutbacks have caused the law Faculty to scrap both of its student exchange programs with the Oxford and Harvard Universities of law. Undaunted, Dean MacDonald promptly set aside some field trip money and fashioned a new student exchange. The Dean patterned the new law student exchange after the prestigious Vienne-Kiev student exchange. Interested students can now enroll in the "Norbert Haensel Locker Exchange". That's right. Your application, students, will be paired off and you will switch lockers for half a year. Students will be able to meet other McGill students with many exotic and diverse interests and name spellings. For example, a B.C.L. student with a last name beginning with "M" can exchange lockers with an LL.B. student whose last name begins with a "B". Learn to say delict with a straight face. See whether there really is consideration in LL.B. "Of course, until demand stabilizes, eager students will only be able to participate in exchanges with their own year", warns Haensel. "We expect demand to be just madness for the first few months." Forms and locker combinations are at the Placement Office.

\*\*\*\*\*

Pursuant to a resolution at last Tuesday's McGill Law Journal elections, the journal announces a weekly raffle to further raise the journal's profile among law students. Winner of the weekly raffle can be "editor-for-a-day". Put it on your C.V., impress your friends, get any articling or clerking position you want. The world will be your oyster all for the price of a raffle ticket. Thirty-two winners every year. Students may win only once otherwise it would look suspicious on your C.V. to be editor-for-a-day for two or more days.

Imagine, refusing articles *your* profs submit! Send terse, cryptic letters of rejection to every prof, even the ones *whenever* submit articles! Appoint a footnote editor and laugh your head off. Tickets are available from any law

journal member with proceeds going to Gary Bell. Period. Drawing to be held Skit Night by the beer sales table.

\*\*\*\*\*

Have you ever wondered why some students are always on the notice board? I mean, every day, it's "Tim Egan, come to SAO" or "Tim Egan, urgent, go see Mrs. Lederer". Well, wonder no more. Tim Egan finally admitted that his parents enrolled him in the little known **Learn Law or Die** legal clinic run out of SAO and overseen by Mrs. Lederer. The

service is free to parents whose gifted child is a full-time law student. Parents can make sure that their charmed son or daughter is really studying and highlighting every night. Parents can authorize Mrs. Lederer to badger or cajole their child into doing his or her homework. Option of either badgering or cajoling is available; raised eyebrows, scowling and scolding are extra. Names are randomly put up on the board and asked to report to SAO and show Mrs. Lederer what work they did the night before. Trouble cases, like Egan, must go every day until they step into line.

## !!! IMPORTANT !!!

The Law Firm of **Maxwell Borden** from Sniffle Creek, Ontario urgently invites as many students as possible to submit their C.V.'s and transcripts to the Placement Office by March 1st, 1989. Maxwell Borden has typically specialized in real estate law, CBCA incorporation and partnership law. However, due to some recent unforeseen changes in the firm, they *desparately* seek students specializing in solicitor-defense litigation. Those students who have a working knowledge of the 1986 S.C.C. case *Central Trust Co. v. Rafuse* 31 D.L.R. 481 are specifically urged to apply. Prerequisites are Business Associations, section 01.

## Bar/Bri - New York Bar Review Program

Quebec, Ontario and British Columbia define only the limits of your imagination, not the possibilities available to you as a law school graduate. Alternatives do exist outside of Canada, and New York is one of the more attractive of these. Bar/Bri offers the most extensive of all the bar preparatory courses in New York, as well as offering preparatory courses for bar exams in most other states.

Being a member of the New York Bar also has attractive advantages for the student who is not necessarily interested in practicing law, either in Canada or in the States. If you are considering working abroad, being a member of the New York Bar carries considerable weight with overseas companies.

All those interested in either writing the New York Bar, or simply in obtaining more information, are asked to contact Joani Tannenbaum at 989-1529 for details.

# Two and a Half Cheers (out of four) for Cousins

by Siskel and Ebert Nat.IV

In mid-February, taking advantage of complimentary passes, a strong contingent of LSA members headed down to the Loews for the première of *Cousins*. (For all election buffs out there, this is just one example of the unexpected benefits associated with active involvement in the Faculty!) It is hence only fair that we should share this experience with everyone.

Featured in the leading roles were Isabella Rossellini (*Blue Velvet*) and Ted Danson (*Cheers*, *Three Men and a Baby*). The choice of casting turned out in both cases to be quite appropriate. Though the stereotyped image of Ted Danson in *Cheers* as the mindless macho could have given rise to some apprehensions, these were quickly assuaged. Indeed, he played the part so well that you forgot all previous associations with filling steins and trading one-liners.

I found Rossellini to be the real surprise in the movie. She does not fit the mould of the typical Hollywood leading lady; the producers of *Cousins* dared to have an actress who did not fit the North American ideal, and the result was quite refreshing.

Unrelated members of a rather extended, and extensive family, Danson and Rossellini first meet at a family wedding. After the festivities are concluded and everyone has left the reception, they stand alone awaiting the return of their respective spouses who have disappeared together during the course of the reception. Needless to say, the suspicions of Danson and Rossellini are aroused and through their quickly growing friendship, they set about to reap their vengeance.

They do so through an innocent scheme which is, however, intended to leave their respective spouses with the strongly held belief that Danson and Rossellini are now involved in a relationship as well. But they are quickly caught at their own game. Amid this mature intrigue is a carnival-like atmos-

sphere created by a cast of somewhat unbelievable and slightly obsessive family members.

How the story ends cannot clearly be revealed. Suffice it to say that, as the LSA contingent slowly went up Peel St. there seemed to be a pervasively shared feeling of contentment. Such a feeling was probably attributable to the growing contrast between the "one-afternoon" stand between Rossellini's husband and Danson's wife and the more mature relationship of Rossellini and Danson.

The morale of the story is not new. It proclaims the inherent value of relationships grounded on something other than the superficial attractiveness of "good looks" and "success" devoid of love. However, movies like *Cousins* are certainly to be appreciated

as effective antidotes and alternatives for *Rambo* and its progeny. Without excessive pretensions of posing as "profound" commentaries of our social reality, *Cousins* reminds us of the basic in a rather natural and straightforward fashion.

The only reservation stems from the painless way in which the process of breaking-up is portrayed, making it seem as a relatively simple decision, with hardly any consequences at all. This in my view was a visible flaw in the movie and one it shares with other new releases such *The Accidental Tourist*. In *Cousins*, however, it can probably be excused since one is dealing with an undoubtedly "light", entertaining movie that fully achieves its purpose to entertain. Overall, not a bad way to relieve exam anxiety ---- we give it 2 1/2 happy house beers out of a possible 4!

## Morissette on Morissette : the Quotable Man

On obfuscatory translations of the Quebec Civil Procedure:

I guess I didn't make the point very clear ...  
But *who* cares? ...I have tenure!

On gender neutral language:

I'm using the masculine because I assume that, because the lawyer in *Wabash* was so

stupid, he *must* be masculine.

On the nurturing effects of procedure:

My parents gave me the rules of procedure when I was still in the crib - that's why I became the way I am now.

Students are invited to catch the Associate Dean in action weekdays in Moot court.

## Quid Novi needs new blood! Il faut du sang neuf au Quid Novi!

Everyone interested to participate in the *Quid Novi* can now relax; there ARE indeed positions to be filled! For more information, come to the L.S.A. office on March 15, noon, and we'll be happy to meet you! Don't forget, applications have to be in by March 17. The elections will be held on the following Wednesday, March 22nd.

Si vous êtes intéressés à travailler au *Quid Novi*, il y a toujours des postes à combler (notamment, celui d'éditeur français). Alors, s'il vous faut des renseignements, venez nous rencontrer le 15 mars à midi dans le bureau de l'A.E.D. Les élections auront lieu le 22 mars, et il nous faut vos candidatures au plus tard le 17 mars.

## **CLASS ACTION**



## **EFFORT COLLECTIF**

A final thanks to Geoffrey Gellatly, B.C.L.L.B. for his skill in hosting the proceedings. He is now rumoured to be on the inside track for M.C. at Skit Night.

## **LAW '89**

### **THE MODEL OF STUDENT INVOLVEMENT THE STANDARD OF GRADUATE SUPPORT.**

*March 17<sup>th</sup>*

## **DROIT '89**

**NOUS AVONS ÉTÉ UN MODÈLE DE  
PARTICIPATION ÉTUDIANTE,  
POURQUOI NOUS ARRÊTER EN  
SI BON CHEMIN ?**

*Le 17 Mars*

# Balderdash a Dhonophractic Success!

A huge thank goes out to the members of the Delta Theta Phi law fraternity for their efforts in organizing last Wednesday's popular Balderdash event. The fundraiser collected \$192 which will be added to the Skit Nite Charity Benefit fund. Proceeds will eventually go to aid the Old Brewery Mission and Chez Doris.

Students packed Moot Court to hear the four panelists bluff their way through definitions of strange words. Prof. Stephen Scott took first place with 18 points but is temporarily under suspension for using caffeinated steroids to aid his memory. He is presently cowabungaing off the Great Barrier Reef and can't be reached for comment. Prominent Montreal lawyer and dictionary personality, Mr. Bill Miller, squeaked into second place ahead of Ms. Janet Brooks from the Museum of Fine Arts. Mr. Dennis

Trudeau from CBC Newswatch placed fourth but vowed to suppress the score when broadcasting later Wednesday night.

A final thanks to Geoffrey Gelber, B.C.L. III for his skill in hosting the proceedings. He is now rumoured to be on the inside track for M.C. at Skit Night.

CHOM-FM personalities Cindy Aiken and Terry DeMonte failed to make it to the event having experienced car trouble far out in the frozen wasteland of the West Island. But, there's always next year! Delta Theta Phi hints that with the great turnout they will probably organize another one next year. Dhonophractic? I dunno, go ask Prof. Scott.

## L'Égalité conjuguée au féminin

**par Jeanne Cadorette, LL. B. IV**

Au moment où j'écris ces lignes les femmes du monde entier célèbrent la Journée internationale des femmes. La journée est donc bien choisie pour discuter de l'égalité des sexes telle qu'envisagée par le professeur Catherine MacKinnon, militante féministe connue pour certains de ses ouvrages et conférencière de l'Atelier Annie MacDonald-Langstaff.

La théorie traditionnelle utilisée pour analyser l'égalité entre les sexes se base sur un modèle de symétrie par lequel les êtres et les choses semblables sont traités semblablement et les dissemblables sont traités dissemblablement. En pratique cela veut donc dire que si l'on considère la femme comme différente de l'homme aucune injustice n'est perpétrée si elle est traitée

suite à la p. 9

# Career Handbook for Law Students

*by Peter Hoffmann, in collaboration with  
the Placement Office, McGill University Faculty of Law*

Specifically designed to assist Canadian law students in the pursuit of a successful career.

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FAX: (416) 291-8421

Price subject to change without notice 12/88

1945-60:

# L'avant révolution tranquille

par François Cossette, LL. B. IV

**Deuxième partie d'une série de six articles consacrés au rôle de l'état québécois dans l'économie des 25 dernières années.**

La période de l'après-guerre est caractérisée au Québec, comme ailleurs en Occident, par une forte vague de prospérité économique accompagnée d'une croissance industrielle remarquable provoquée principalement par la reconversion de l'énorme potentiel de production développé par l'industrie de guerre couplée à un boum démographique sans précédent. Une évolution technologique accélérée par les exigences de l'armement trouvera maintenant des applications dans tous les secteurs de la vie civile: automobile, appareil ménager, télévision, télécommunications... Cette prospérité économique se poursuivra jusqu'à la récession de 1957 qui marquera le premier ralentissement de l'économie nord-américaine depuis la fin de la guerre.

Pourtant malgré cette époque de croissance, la situation québécoise n'est pas très reluisante, la présence des capitaux étrangers s'y fait de plus en plus présente, la politique des concessions minières, véritables fiefs d'exploitation accordés à l'entreprise étrangère par le gouvernement Duplessis a pour conséquence de permettre la dilapidation des richesses naturelles sans exiger de transformation sur place. Il s'en suit que la structure économique du Québec présente d'énormes faiblesses au niveau secondaire, secteur qui traditionnellement est le plus grand générateur d'emplois. Le secteur primaire se porte plutôt bien, favorisé qu'il est, par l'idéologie agraire du gouvernement unioniste. Les francophones s'y retrouvent généralement en très grand nombre. On estime la part des francophones dans l'économie québécoise à 10% ou 15%, généralement concentrée dans les secteurs mous soit le meuble, le cuir l'agro-alimentaire et le bois (très localement toutefois pour

ce dernier). L'infériorité économique des francophones ne peut être niée à la fin des années 1950. Elle est dénoncée par toutes les grandes commissions d'enquête de l'époque et la frustration qu'elle engendre dans les milieux d'affaires québécois viendra alimenter la vague nationaliste grandissante.

Tant au Canada qu'au Québec, la période de l'après-guerre voit croître l'investissement étranger, en majeure partie américain, de façon phénoménale. Cette part passera de 111 millions en 1953 à 358 millions en 1960 soit près du triple en 7 ans seulement.

Cependant, l'examen de chiffres plus récents nous permet de constater l'absence d'impact des politiques économiques de la Révolution tranquille sur la part de la propriété américaine. Contrairement à l'évolution des politiques fédérales pour la même période, le Québec ne se montre pas du tout hostile à l'apport de capitaux étrangers comme l'énonce sans équivoque le rapport Tetley (1973-74). Le rapport constate "que le Québec a besoin d'investissements étrangers synonymes de création d'emplois." Le gouvernement considère que le Québec a besoin d'investissements nouveaux et que toute mesure de freinage ne serait profitable qu'à l'Ontario et entraînerait "une perte nette pour le Québec" si elle était adoptée "avant

qu'ait pu se produire une certaine restructuration de l'économie québécoise lui permettant d'assumer efficacement le rôle joué jusqu'à maintenant par l'initiative étrangère". Le rapport Tetley propose donc: 1) une meilleure intégration des firmes étrangères à l'économie québécoise et; 2) une dynamisation des structures industrielles par le renforcement de l'initiative autochtone.

Le capital étranger n'est donc pas visé par le mouvement de nationalisme économique (en 1978, la part du capital étranger avait augmenté à 38.5%) et force nous est d'admettre que la progression économique des francophones se fera au dépens du capital anglophone, qui lui-même aura tendance à se déplacer vers Toronto et l'ouest. Certains efforts seront entrepris cependant afin d'inciter des partenaires européens à investir au Québec. On mettra beaucoup d'espoir sur les relations France-Québec qui à ce niveau s'avéreront décevantes. À ce sujet, René Lévesque dira en 1968 au moment de son départ fracassant du Parti libéral du Québec (la politique économique d'un Québec indépendant): "... le tout ouvrirait également à une prise de conscience du besoin qu'a le Québec de se dégager peu à peu systématiquement, patiemment de l'emprise trop exclusive et d'ailleurs en baisse inéluctable des capitaux américains. Il s'agit d'attirer des partenaires nouveaux, essentiellement européens, dont l'hydro, la S.G.F. et S.O.Q.U.E.M. ont entrepris la prospection méritoire et déjà fructueuse."

Il faut donc conclure la question par la constatation suivante: alors que le gouvernement fédéral mène une lutte sans merci afin de renverser la croissance rapide du capital étranger, le Québec mû par une concurrence impitoyable des diverses économies régionales de l'ensemble canadien ne fera rien pour en limiter l'expansion. Tout au contraire comme le conclut le rapport Tetley. Sur ce point, les objectifs économiques des suite à la p. 10

## SMART & BIGGAR

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# The Second Annual René Cassin Lectureship in Human Rights

**Conférencier invité**

**l'Honorable Walter S. Tarnopolsky**  
**Juge de la Cour d'Appel de l'Ontario**

**Sujet: Les Tribunaux, la charte et le droit international**

**Co-sponsored by: McGill Faculty of Law and InterAmicus**

**Tuesday, March 14, 1989**  
**Faculty of Law, McGill University**  
**Moot Court Room**  
**5:00 p.m.**

spécialistes à siéger au sein du comité des Nations-Unies sur les droits de l'homme créé dans le cadre du Pacte international relatif aux droits politiques et aux droits de l'homme. Il a été président de la section canadienne de la Commission internationale des juristes; il est par ailleurs le seul Canadien à siéger au sein du conseil d'administration de l'Institut interaméricain des droits de la personne. Avant sa nomination à la Cour d'appel de l'Ontario, M. Tarnopolsky a mené une brillante carrière universitaire de professeur à la Faculté de droit de l'Université de Windsor dont il a été doyen, à la Osgoode Hall Law School et au Centre d'enseignement et de recherche sur les droits de la personne de l'Université

d'Ottawa dont il a été le premier directeur.

Chercheur prolifique, il est l'auteur de textes importants sur la législation des droits de la personne, dont la Déclaration canadienne des droits qui fait figure de norme en la matière; Discrimination et droit, l'étude la plus exhaustive qui soit sur le droit et la discrimination; et la première édition de la Charte canadienne des droits et libertés: commentaire, qu'il a co-édité et qui tient lieu désormais de texte de référence sur la Charte. Rares sont les juristes plus qualifiés et expérimentés que le juge Tarnopolsky pour prononcer une conférence sur la situation de droits de la personne, au Canada comme à l'échelle internationale.

## L'égalité au féminin suite de la p. 7

différemment (et en général de façon discriminatoire). La théorie traditionnelle assume aussi une égalité sociale comme prémissse à toute analyse, ce qui vous le comprendrez n'est évidemment pas le cas puisque les femmes sont désavantagées socialement et économiquement dans plusieurs secteurs. Le droit ne doit pas discriminer dans les limites qu'il impose aux droits des individus, il n'enlève donc pas aux femmes pour donner exclusivement aux hommes. Ce serait discriminatoire! Mais il n'accorde pas aux femmes ce que socialement elles n'ont jamais eu.

La notion de "salaire égal pour un travail équivalent" nécessite elle aussi une application de la théorie traditionnelle puisqu'une comparaison des emplois se fait encore sur la base des semblables dissemblables. En pratique cela veut donc dire que si les femmes se retrouvent majoritairement dans un secteur (le textile par exemple) aucune comparaison ne sera possible puisque seules des femmes se retrouvent dans ce secteur. La théorie traditionnelle permettra donc de dire

qu'il n'y a pas d'inégalité pourtant le désavantage économique et social existe puisque certains secteurs d'activités deviennent des ghettos féminins.

Selon le professeur MacKinnon la théorie traditionnelle d'analyse de l'inégalité devant la loi ne peut répondre aux aspirations des individus qui veulent corriger les injustices, conséquences d'une hiérarchie sociale depuis longtemps en place. Les injustices sociales et économiques subies par les femmes ne permettent pas d'appliquer la théorie traditionnelle de façon satisfaisante puisque les femmes sont désavantagées au départ.

Selon le professeur MacKinnon l'approche utilisée jusqu'à maintenant pour analyser les lois par rapport à la Constitution (purposive approach) peut permettre d'arriver à des résultats encourageants quant à l'égalité des sexes. Les lois seront analysées dans le sens d'une amélioration de l'équilibre entre les droits des hommes et ceux des femmes.

Une nouvelle approche de l'égalité entre les sexes ouvrira sûrement la porte à

suite à la p. 10

Nobel Peace Prize laureate, jurist, scholar and resistance leader, René Cassin was one of the great figures of international human rights in his time. After representing France at the League of Nations, Cassin went on to act as Vice-President of the French Conseil d'état, was a member of the Conseil Constitutionnel and served as President of the European Court of Human Rights. Most significantly, he was one of the founders of UNESCO and, along with McGill's John Humphrey, was a moving force behind the Universal Declaration of Human Rights. In 1988, the McGill Faculty of Law, InterAmicus and Alliance Israélite Universelle joined together to inaugurate the René Cassin Lectureship in Human Rights. The lecture is given annually by a person who has protected and promoted human rights in national as well as international contexts. Madam Justice Claire L'Heureux-Dubé of the Supreme Court of Canada was the very distinguished first lecturer.

**Walter S. Tarnopolsky**

Considéré comme une sommité quant à la législation et au respect des droits de la personne à l'échelon international, M. Tarnopolsky faisait partie du premier groupe de

# Where Are They Now?

by Frank Tamburro, LL.B. II

I am sure you all remember the case of *La commission des droits de la personne c. La fédération québécoise de hockey sur glace*, [1978] C.S. 1076, included in Stephen Scott's casebook for the tutorial programme. N.D.G.'s minor hockey association would not allow Françoise Turbide (15 years old at the time of the decision) to play with the boys on one of the its "Bantam" hockey teams for 13 and 14 year olds, even though she had played with the boys teams in 3 previous seasons (and was an all-star in "Pee-Wee"). Quebec's Human Rights Commission convinced the Superior Court that her rights under the provincial human rights charter had been violated. The Court awarded damages to Françoise Turbide, ordered the association to allow her to play with the boys team and annulled the discriminatory regulations. But what happened to Miss Turbide and her budding hockey career?

As things worked out, in 1982, Françoise was taken in the 15th round of the N.H.L. draft by the St. Louis Blues. Unfortunately, she did not have a spectacular professional career. She was not a good play maker or a

talented shooter. Quite frankly, she was just another goon. Turbide's stint in the big leagues consisted of 2 games in the 1983-84 season. The high light was a fight during a game with the New York Rangers, when she K.O.'ed noted tough-guy Nick Fotiu, knocking out two teeth in the process. Don Cherry had this to say: "This girl, let me tell you, this girl should be an all-star. She's a mucker, she's a grinder. she's not a floater; she ain't afraid to go into the corners like some of these Swedes we got over here now. I say this: Canada has the best girl hockey players in the world. What's her name - Françoise - she lets me call her Frannie. Anyway, Frannie, let me tell you, is as tough as my old pal John Wensink. She's tough as nails. And I ain't talking about the kind of nails that you put ruby red polish on neither. I tell you, any team that could put her on line with someone like my pal "Knuckles" Nilan would win the Cup, I guarantee it. she'd be my starting left winger every game."

Françoise Turbide, played another year in the minor leagues before being cut by the Blues. She's now running a trendy St .Denis boutique, specializing in coffee mugs, known as "Stanley Cups".

## L'égalité au féminin suite de la p. 9

d'importantes remises en question. Ce sera, selon madame MacKinnon "une fissure dans le mur qui sépare le droit de la société, de la réalité". Certains auteurs américains ont même avancé l'idée que cette nouvelle forme d'analyse de l'égalité entre les sexes allait "perturber toute l'économie américaine". Cette vue tout à fait exagérée peut faire sourire mais elle démontre bien toutes les possibilités de remise en question de la société que pourrait permettre l'analyse du professeur MacKinnon de l'égalité des sexes devant la loi.

## L'avant révolution suite de la p. 8

provinces entreront en conflit direct avec le projet de canadianisation et de centralisation de l'économie du gouvernement fédéral et ces divergences animeront les discussions constitutionnelles durant toute la période. Les lignes de force se retrouvent tantôt dans l'ouest canadien, plus spécifiquement en Alberta au moment de forcer la mise en oeuvre de la politique d'énergie nationale , tantôt au Québec sur diverses questions allant de l'hydro-électricité à la cable-distribution.

## ELLE existe... Venez la rencontrer !! Du 13 au 19 mars: la SF '89 à McGill

Mars ... pas la planète, le mois.  
Jeudi le 9, 20hre. Au Peel Pub. Entre deux bières et deux bretzels, Pierre et Nathalie ... deux McGillois ... yeux dans les yeux ... Roman à l'eau de fleurdelysée. Soudain:

"Dis-moi, Nathalie, c'est quoi la SF à McGill ? Une séance d'observation de soucoupes volantes ? Un colloque sur les calendriers célestes péruviens ? Une séance-marathon de lecture sci-fi ?

- Voyons Pierre ! Sois sérieux ! La SF, en français s'il vous plaît, veut dire films, conférences, spectacle, party et festival de bières importées.

- Importées... des mondes extra-terrestres ?

- ...  
- Bon, je me tais, mais explique-toi.

- SF... pour Semaine Francophone, la semaine culturelle organisée par McGill-Québec pour une deuxième année consécutive et soutenue par plusieurs associations... Alors reviens sur Terre, Pierrot la Lune !

- Très bien, ô Vénus... pas la planète, la déesse ! Et qu'a-t-elle de si merveilleux, cette semaine ?

- Tu n'as qu'à aller te procurer un programme au 'Union Building'. Pour te donner un avant-goût, on aura la visite de Pierre-Marc Johnson, Nathalie Petrowski, Frédéric Back, Yves Beauchemin, Pierrot Fournier... et j'en passe.

- C'est bien beau tout ça, mais une semaine francophone, avec toute cette controverse sur la langue d'affichage, c'est pas un tantinet déplacé ?

- *La SF dépasse les frictions !* McGill-Québec est un organisme apolitique qui veut afficher, plus qu'une langue, une culture. La culture québécoise, traitée à toutes les sauces, a survolé tous les débats sans jamais avoir vraiment été identifiée: c'est notre OVNI national ! Et pourtant elle existe ... à nous de la rencontrer ! "

*Jeudi le 9, 20hre 30. Lueur bleue dans le firmament. Les astronomes sont formels: CA S'EN VIENT. C'est pour le 13.*